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ATTORNEYS FOR QUAILBROOK EAST HOMEOWNERS ASSOCIATION, INC.

In re:

ATIYA K. LAMPTEY

Debtor.

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY
IN PROCEEDINGS UNDER CHAPTER 13
OF THE BANKRUPTCY CODE

CASE NO.: **17-34307-CMG**

**OBJECTION TO CONFIRMATION OF
DEBTOR'S CHAPTER 13 PLAN**

Creditor, Quailbrook East Homeowners Association, Inc. (the "Association"), by and through its counsel, McGovern Legal Services, LLC, hereby submits this objection to Debtor's plan of reorganization under Chapter 13 of the Bankruptcy Code. The Association's objection includes, but is not limited to the following:

**I. THE DEBTOR CANNOT CURE THE DEFAULT TO THE ASSOCIATION
BECAUSE THE DEBTOR DOES NOT OWN THE PROPERTY.**

The Debtor does not own 174 Scobee Lane, Somerset, NJ 08873 (the "Unit") and does not have the right to cure the default owed to the Association. Upon information and belief, the Unit is owned by Delores Dublin, deceased, who the Association believes was the Debtor's mother. The Debtor has been residing in the Unit without paying any fees to the Association since at least as early as May 2014. The Association obtained Final Judgment in Foreclosure and a Writ of Execution was issued on May 18, 2017. The Association's sheriff's sale was originally scheduled to take place on October 17, 2017. The Debtor filed an emergent motion to stay the

sheriff's sale wherein she argued that she was attempting to modify the mortgage so it was under her name and that the mortgagee allegedly advised her not to pay any fees to the Association. The Court adjourned the sheriff's sale to December 5, 2017 to allow the Debtor time to obtain proof that the mortgagee was going to pay the Association fees. The Debtor filed Chapter 13 Bankruptcy on December 5, 2017, so the Association requested that the Sheriff put the Sale on a bankruptcy hold.

In light of the above, the Association is not filing a Proof of Claim and is simultaneously filing a Motion for Stay Relief in order to proceed with the Association's Sheriff's Sale. Additionally, the Association objects to confirmation of the Debtor's Plan since it provides for curing the default to the Association when the Debtor does not own the property.

Respectfully submitted,
McGovern Legal Services, LLC

Date: January 11, 2018

By: /s/Marlana S. Diaz-Cobo
MARLENA S. DIAZ-COBO, ESQ.

CERTIFICATION OF SERVICE

I, Marlena S. Diaz-Cobo, Esq., certify and state that this document was served upon the individuals and/or entities listed below by electronic mail on January 11, 2018. I am aware that if any of the statements made herein are willfully false, I am subject to punishment.

McGovern Legal Services, LLC

Date: January 11, 2018

By: /s/Marlena S. Diaz-Cobo
MARLENA S. DIAZ-COBO, ESQ.

SERVICE LIST

Via Electronic Service:

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